

From: FOI
Sent: 20 April 2018 16:48
To: [REDACTED]
Cc: FOI <FOI@electoralcommission.org.uk>
Subject: FOI 050/18 Cambridge Analytica Correspondence - Response

Dear [REDACTED]

Our Ref: FOI 050/18

Thank you for your email to the Electoral Commission dated **21 March 2018**.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

Under Freedom of Information legislation please provide me with a copy of all documents held by the Electoral Commission including letters, internal correspondence, reports, research, reviews, briefing documents, minutes of meetings, emails, memos, invitations, presentation slides or notes taken during telephone conversations that make reference to work carried out by Cambridge Analytica or AggregatIQ in Northern Ireland or work carried out by these organisation for Northern Ireland political parties.

Our response is as follows:

We hold the information you have requested. This is contained in the files attached to this response or can be accessed publicly as set out below other than where exemptions apply as explained below.

Details of party election spending and referendum campaigner spending returns and invoices submitted with those returns are publically available on our PEF online system. You can search for relevant details using [this link](#).

Section 21 of the FOIA

Some of the information that you have requested may be included in individual candidate spending returns. All candidates who contested the Assembly election in March 2017 had to submit their returns of candidate spending, along with the appropriate invoices and receipts, to the Chief Electoral Officer for Northern Ireland within 35 days of the declaration of the result of the election.

The Chief Electoral Officer for Northern Ireland is the primary holder of this information and has a duty to make the returns available for inspection. For that reason, we consider this information is exempt under Section 21 of the FOI Act as the information is publicly available elsewhere.

You should contact the Electoral Office for Northern Ireland (EONI), and arrange access. Contact information can be found on their website www.eoni.org.uk.

Under Section 21, information is exempt from disclosure if it is publicly available elsewhere. Information is taken to be reasonably accessible if it is information which the other authority is obliged by legislation to make publicly available. Under section 88 of the Representation of the People Act 1983, Returning Officers need to make the returns available for public inspection. The ICO recognises that although something may only be available for public inspection, it will still be reasonably accessible. The Commission considers the legislative right of access to this information is through the Chief Electoral Officer for Northern Ireland.

Section 30 of the FOIA

Section 30(1) of the Freedom of Information (FOI) Act provides for exemption from disclosure of information which has been held at any time for the purpose of conducting an investigation of a potential offence.

Information which falls under the scope of your request, and is held as part of an investigation, has been exempted under section 30 of the FOI Act.

The exemption under section 30 is subject to the public interest test. Under the circumstances whereby the investigation is ongoing, and that investigation is, in the Commission's view, a matter of importance and public interest the potential harm to the investigation caused by releasing the information outweighs the public interest in releasing it. Consequently, we are satisfied that it is not the public interest to disclose this information in response to your request.

You may wish to note that as a matter of routine the Commission publishes the outcomes of all its investigations, once they are concluded.

Please note, some of the information contained in the attachments to this response is personal data such as the names, and contact details of junior staff at the Electoral Commission and is exempt under section 40 of the FOI Act. These documents have been redacted prior to release. Further explanation of the section 40 exemption is provided below.

Section 40(2) and (3)(a)(i) of the FOI Act

Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2000 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by section 1 of the DPA because the information relates directly to an identifiable living individual. Release of this information would breach the first data protection principle, which states the information must be processed fairly and lawfully.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>

Yours sincerely,


Information Management Adviser

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ


electoralcommission.org.uk
yourvotematters.co.uk

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[REDACTED]

From: [REDACTED]
Sent: 10 May 2017 15:10
To: [REDACTED]
Subject: Aggregate IQ

Hi [REDACTED]

Just to let you know Adrian McQuillan, Christopher Stalford, and Peter Weir have all included payments to Aggregate IQ as part of their returns for the March election, thought it was maybe worth noting

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 17 May 2017 17:39
To: Ann Watt; [REDACTED] Louise Edwards
Subject: RE: The Detail story

Sorry - should have deleted this from my drafts rather than hit send!

-----Original Message-----

From: [REDACTED]s
Sent: 17 May 2017 17:38
To: Ann Watt; [REDACTED] Louise Edwards
Subject: FW: The Detail story

Please see below story Detail are planning to publish. I don't plan to add anything further to this but let me know if you think otherwise.

[REDACTED]

From: [REDACTED]
Sent: 17 May 2017 13:58
To: [REDACTED]
Subject: The Detail story

[REDACTED]

As you know I've been corresponding with the Electoral Commission regarding the registration of the Constitutional Research Council (CRC) as an unincorporated association.

At this stage we plan to publish a story tomorrow and I will be using the quotes provided to me by the commission in their FOI response. However I would also like to offer the commission an opportunity to provide me with any further comment it would like to make based on the summary of the main points that will make up our story below. If the commission does want to make a comment please do so before close of play today.

Thanks

SUMMARY:

- The Electoral Commission has been unable to answer key questions on the pro-Brexit group that donated £435,000 to the DUP – but repeated calls for an end to the ban on identifying political donors in Northern Ireland.
- In February this year after months of pressure, the DUP confirmed that the Constitutional Research Council had funded its Brexit campaign, including a £282,000 advert reading "Vote To Leave EU" in the Metro newspaper in Britain. The donation primarily funded political activity in England but remained secret because the DUP is covered by a ban on naming donors in Northern Ireland as a result of the legacy of the Troubles.
- The Detail asked the Electoral Commission a series of questions about the Constitutional Research Council (CRC), including when it registered as a donor, which is required under law.

- The Electoral Commission, which regulates the funding and spending of political parties, said it could not answer the question due to the secrecy laws in Northern Ireland.
- The DUP this week defended the origins of the fund, with the DUP's Sir Jeffrey Donaldson telling website Open Democracy UK: "I believe that they have raised their money legitimately and we were delighted to receive the donation from them for the Brexit campaign."
- The DUP faced questions at the time of the Metro advertisement, given that the publication does not distribute in Northern Ireland.
- A further analysis of receipts on DUP spending which the party supplied to the Electoral Commission, available [here](#), suggest that the party also used the donation to pay for substantial pro-Brexit merchandising ahead of the June 2016 referendum on EU membership.
- The receipt shows that the DUP paid almost £100,000 to an English branding company for 100,000 window stickers, 50,000 badges, 15,000 plastic boards, 5,000 bags and 7,000 t-shirts. A separate receipt showed that the DUP party spent less than £1,000 on 38,000 Brexit flyers from a Northern Ireland company and a further £1,600 for the delivery of 34,000 leaflets within Northern Ireland.

TRANSPARENCY

- Little is known about the CRC other than it is led by Richard Cook, a former vice chairman of the Scottish Conservative and Unionist Party. The CRC is not a registered company, but under UK law it would be considered an 'unincorporated association'.
- Unincorporated associations are organisation set up through an agreement between a group of people who come together for a reason other than to make a profit. They don't need to register at Companies House and are free to set up. However unincorporated associations must register with the Electoral Commission within 30 days of making any political contributions of more than £25,000 in a calendar year. Failure to do so can result in fines of between £200 and £20,000.
- The Electoral Commission maintains a register on it's of all unincorporated associations who make political contributions of over £25,000. Despite donating £435,000 to the DUP last year, the Constitutional Research Council does not appear on this list. We sent a series of Freedom of Information requests to the Electoral Commission to try and establish why the CRC were not on this list.
- Specifically we asked if the CRC had registered with the commission and if it had what date did it register. A spokesperson said: "There may be circumstances in which we would not publish the name of an unincorporated association as other legislation would prohibit us from doing so. In particular, if an unincorporated association was to have made donations or loans in connection with a Northern Ireland registered political party or regulated donee, we would not be able to publish the notification on our register."
- The commission also added: "We are, therefore, unable to provide any information, including dates, as to whether or not an unincorporated association has made any notification to us in relation to Northern Ireland recipients." The commission also further underlined the need for a change in the law regarding political donations in Northern Ireland. It said: "You may wish to note that the since 2005 the Electoral Commission has consistently called for an increase in transparency so that voters in Northern Ireland can access information on how political parties are funded. The UK Government recently consulted on a draft Northern Ireland (Miscellaneous Provisions) Bill which proposes amendments to the current rules on donations and loans to increase transparency. We again called on the Government to bring the rules on the reporting of donations and loans in Northern Ireland into line with those in the rest of the UK."

- The commission concluded its correspondence by stating: "I realise that you may be disappointed by this response. The commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard."

EXPENDITURE

- The issue of donor transparency in Northern Ireland has been a key issue since the Electoral Commission published details on the expenditure of various EU referendum campaigns in February.

- The data revealed that the DUP had spent £426,000 during the campaign and the commission also made copies of individual invoices available on its website. As well as the £280,000 Metro advert, the DUP spent over £8,000 on advertising in the local press. The party also spent £99,600 on promotional material from Cambridgeshire based branding company Soopa Doopa. A copy of the invoice shows the DUP paid for 100,000 window stickers, 50,000 badges, 15,000 plastic boards, 5,000 bags and 7,000 t-shirts.

- The DUP also spent a further £890 on 38,000 Brexit flyers from Larne based Oasis Design Studio and £1,600 for the delivery of 34,000 leaflets from Belfast, Mail and Marketing. An invoice from Canadian data analytics company AggregateIQ show the party spent £32,000 on a "digital ad campaign". This firm made more money than any other company in the referendum. It received a total of £3.9m from the official Leave campaign and a further £757,750 from other officially registered campaigns backing Brexit.

- A recent investigation by the Observer newspaper revealed that Aggregate IQ has connections with Cambridge Analytica which has ties US billionaire and Donald Trump-backer Robert Mercer. Aggregate IQ made more money than any other company in the referendum. It received a total of £3.9million from the official Leave campaign and a further £757,750 from other officially registered campaigns backing Brexit

- Coordination between campaigns without declaring expenditure jointly is prohibited under electoral law. Last week The Observer revealed that the Information Commissioner's Office is actively investigating a number of pro-Brexit groups, including the DUP, for potential offences such as the illegal sharing of data. The Electoral Commission is also separately investigating the spending return of Leave.EU, one of several registered Brexit campaigns.


Below the Radar Ltd



www.thedetail.tv<<http://www.thedetail.tv/>>

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[REDACTED]

From: [REDACTED]
Sent: 21 March 2018 16:48
To: Craig Westwood
Cc: Ann Watt
Subject: RE: Reactive statement re CA and Facebook

Craig

Lot of questions here asking about relationship between DUP and CA. If asked I assume in addition to the below its ok to confirm that we are not investigating the DUP?

[REDACTED]

From: Craig Westwood
Sent: 21 March 2018 16:04
To: Niki Nixon; [REDACTED]; [REDACTED]
Subject: Reactive statement re CA and Facebook

All,

Given the continuing media coverage on the Facebook / Cambridge Analytica story, I wanted to make sure that we had a shared and updated LTT to use if asked or challenged about our position on any of it. Have agreed the following with Claire and Bob – please use this reactively to any queries. Any questions, let me know. Thanks.

“The Commission has a number of investigations open in relation to campaigners at the EU Referendum; it does not comment on live investigations.

An important part of the Commission’s remit is to investigate whether any offences have been committed in breach of the UK’s political finance rules. In carrying out that work evidence may come from parties and campaigners, our own activities, other regulators or elsewhere. The outcome of our investigations will be published in accordance with our Enforcement Policy.”

Craig Westwood
Director of Communications and Research
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

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yourvotematters.co.uk

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[REDACTED]

From: Louise Edwards
Sent: 10 May 2017 07:57
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Enquiry from BBC Nolan Show

Hi

I think it may be helpful to use some of the detail [REDACTED] gives to reassure that we actually looked at the DG/VL issue properly. I also wonder whether we could/should refer to the comments in the EU Referendum Spending Report about our views on the joint campaigning rules (recommendation 7 in the report)?

In terms of the DUP questions, how about this?

4. The Commission has not seen evidence to suggest that the DUP may have broken the joint campaigning rules.

5. See our answer to 4.

By way of context, yes I've seen the article saying that everyone who used Cambridge Analytica or Aggregate IQ was automatically part of a grand conspiracy (wittingly or otherwise) but those making such claims have yet to stump up credible evidence of wrongdoing. If and when they decide to do so, we shall of course consider it.

Thanks

Louise

From: [REDACTED]
Sent: 09 May 2017 16:55
To: [REDACTED] Louise Edwards; [REDACTED]
Cc: [REDACTED]
Subject: RE: Enquiry from BBC Nolan Show

In respect of question 3; I'm not sure how much of this we'd want to publish, but for your information the following is relevant (I'm quoting from something I wrote for Bob's letter to [REDACTED] here).

The Commission undertook enquiries of the significant donations provided from Vote Leave to Darren Grimes (BeLeave) and which paid for his AggregateIQ spending in September 2016. We assessed documents including board minutes, correspondence and financial records. The Commission found no evidence to suggest that the arrangement, although unusual, constituted working together.

Vote Leave's spending return reports some working together with Mr Grimes and also reports spending associated with AggregateIQ. The potential for working together between Vote Leave and BeLeave was revisited by way of an assessment in light of this information. Fresh enquiries were made of Vote Leave, Mr Grimes and AggregateIQ in March 2017. All three cooperated with our enquiries and provided consistent information, and the Commission was satisfied that there was no unreported working together.

From: [REDACTED]
Sent: 09 May 2017 16:29
To: [REDACTED] Louise Edwards; [REDACTED]
Cc: [REDACTED]
Subject: Enquiry from BBC Nolan Show

Hi all, as mentioned to some of you, below is an enquiry from the BBC Nolan Show. I have populated some of the answers.

Grateful for PFR input in formulating responses to this enquiry.

[REDACTED] – are you ok to be the lead person in terms of getting back to this journalist? So if he contacts us directly, we'll give him your contact details and you'll send the response when it has been signed off.

Ben has asked to see the response before it goes. So once PFR colleagues have filled in proposed answers, we'll send to Ben and possibly Ann will need to see too?

[REDACTED]

From: [REDACTED] - Current Affairs, NI [REDACTED]
Sent: 09 May 2017 13:01
To: [REDACTED]
Subject: BBC Questions

Hello

As discussed, we have a few questions in relation to an Observer article on Sunday

<https://www.theguardian.com/technology/2017/may/07/the-great-british-brexiteer-robbery-hijacked-democracy>

- 1. What is the current status of the Electoral Commission's investigation into whether donations – including services – accepted by Leave.EU was impermissible?

In respect of Leave.EU, we currently have an on-going investigation into their spending return and you can see our press release on this here: <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/electoral-commission-statement-on-investigation-into-leave.eu>?

The Commission does not comment on on-going investigations. We will publish the outcome of our investigation on our website when it has concluded.

- 2. What is the focus of that investigation?

Please see our statement above.

- 3. Leave.EU told the Observer that the Electoral Commission had looked into allegations of "co-ordination" between campaigns – namely Leave.EU, BeLeave, Veterans for Britain and the Democratic Unionist Party – and given Leave.EU a "clean bill of health". Is this correct? [All of these groups had paid a Canadian company called AggregateIQ for services.]

Under the EU Referendum legislation, there must be a common plan or arrangement between campaigners in order for the working together rules on allocation of reportable campaign spending to apply. Campaigners on the same side of the argument can liaise and discuss campaigning approaches without meeting the threshold of working together within the meaning of the legislation. The Commission has to establish evidence that shows an offence beyond reasonable doubt for there to be any potential

regulatory sanction. The Commission published the spending returns of organisations such as ‘Veterans for Leave’ which are all available to see on our [website](#) Our on-going review of EU Referendum campaigner spending returns continues.

- 4. If so, was the Democratic Unionist party given a “clean bill of health” also?

XXXXXXXXXXXXXXXXX

- 5. Was the Democratic Unionist Party investigated by the Electoral Commission surrounding any donations or spending in relation to the EU referendum?

XXXXXXXXXXXXXXXXX

- 6. Are there any investigations by the Electoral Commission into the role AggregateIQ / Cambridge Analytica played during the referendum campaign? If so what is the basis of the investigation?

Details of the investigation being carried out by the Electoral Commission are contained in the statement above. You may already be aware that the Information Commissioner’s Office have said they are looking at the activities of at least one of the companies you mention:

<https://www.theguardian.com/technology/2017/mar/04/cambridge-analytics-data-brexit-trump> You may want to contact them directly to find out more about their investigation.

Best

██████████████████
Producer

BBC Nolan Show
██████████████████
██████████

[REDACTED]

From: [REDACTED] - Current Affairs, NI <[REDACTED]>
Sent: 11 May 2017 12:57
To: [REDACTED]
Subject: RE: Enquiry from BBC Nolan Show

Hi [REDACTED] – yes – no problem. Thanks for getting back to me with this, much appreciated

From: [REDACTED]
Sent: 11 May 2017 12:50
To: [REDACTED] - Current Affairs, NI
Subject: FW: Enquiry from BBC Nolan Show

Hi [REDACTED]

Hope you're keeping well. I unwittingly just sent you an email with comments below that were only for internal consumption. I tried to recall it but if you have seen it can you just ignore it and use the below as our response.

Apologies

Hi [REDACTED]

I understand you were in touch with colleagues in our London office following the Observer article. They've asked me to go back to you and our response is below.

If you need any further information let me know

[REDACTED]

From: [REDACTED] - Current Affairs, NI <[REDACTED]>
Sent: 09 May 2017 13:01
To: [REDACTED]
Subject: BBC Questions

Hello

As discussed, we have a few questions in relation to an Observer article on Sunday

<https://www.theguardian.com/technology/2017/may/07/the-great-british-brexiteer-robbery-hijacked-democracy>

- What is the current status of the Electoral Commission's investigation into whether donations – including services – accepted by Leave.EU was impermissible?

In respect of Leave.EU, we currently have an on-going investigation into their spending return and you can see our press release on this here: <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/electoral-commission-statement-on-investigation-into-leave.eu?>

The Commission does not comment on on-going investigations. We will publish the outcome of our investigation on our website when it has concluded.

- What is the focus of that investigation?

Please see our statement above.

- Leave.EU told the Observer that the Electoral Commission had looked into allegations of “co-ordination” between campaigns – namely Leave.EU, BeLeave, Veterans for Britain and the Democratic Unionist Party – and given Leave.EU a “clean bill of health”. Is this correct? [All of these groups had paid a Canadian company called AggregateIQ for services.]

Under the EU Referendum legislation, there must be a common plan or arrangement between campaigners in order for the working together rules on allocation of reportable campaign spending to apply. Campaigners on the same side of the argument can liaise and discuss campaigning approaches without meeting the threshold of working together within the meaning of the legislation. The Commission has to establish evidence that shows an offence beyond reasonable doubt for there to be any potential regulatory sanction. The Commission published the spending returns of organisations such as ‘Veterans for Leave’ which are all available to see on our [website](#) Our on-going review of EU Referendum campaigner spending returns continues.

For your information, another issue that has been in the media, the donation made by Vote Leave to Darren Grimes and whether they may have breached the ‘working together rules’, has also been looked at previously by the Electoral Commission. Vote Leave’s donations to Mr Darren Grimes were made by way of a direct payment from Vote Leave to AggregateIQ for services provided to Mr Grimes, which is an acceptable method of donating under the rules.

You may also be interested to know that in our report that examined the campaign regulation at the EU Referendum, we also made recommendations on how the rules around joint campaigning could be made clearer. There’s more information in our press release: <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/governing-legislation-must-be-changed-to-underpin-future-referendums,-says-electoral-commission>

- If so, was the Democratic Unionist party given a “clean bill of health” also?

The Commission has not seen evidence to suggest that the DUP may have broken the joint campaigning rules.

- Was the Democratic Unionist Party investigated by the Electoral Commission surrounding any donations or spending in relation to the EU referendum?

See our answer above.

- Are there any investigations by the Electoral Commission into the role AggregateIQ / Cambridge Analytica played during the referendum campaign? If so what is the basis of the investigation?

Details of the investigation being carried out by the Electoral Commission are contained in the statement above. You may already be aware that the Information Commissioner’s Office have said they are looking at the activities of at least one of the companies you mention:

<https://www.theguardian.com/technology/2017/mar/04/cambridge-analytics-data-brexit-trump> You may want to contact them directly to find out more about their investigation.

<http://www.bbc.co.uk>

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